

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JAMES LONNIE POTTS,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-05-1357-F
)	
GRADY COUNTY JAIL,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

Plaintiff, a state prisoner appearing pro se, brings this action pursuant to 42 U.S.C. §1983 alleging violations of his constitutional rights. United States District Judge Stephen Friot has referred the matter to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. §636(b)(1)(B). For the reasons set forth herein, the undersigned recommends that the complaint be dismissed without prejudice.

By Order of this Court dated November 21, 2005, Plaintiff was ordered to cure certain deficiencies with respect to his motion for leave to proceed *in forma pauperis* on or before December 12, 2005. Specifically, his motion was deficient in that it was not on the proper form and it was missing financial information and the signature of an authorized officer of the correctional facility.

A review of the Court file reveals that as of this date, Plaintiff has not cured the deficiency as ordered, requested an extension of time within which to do so, nor demonstrated good cause for his failure to respond to the Court's order. Therefore, the undersigned recommends that this action be dismissed without prejudice to refiling.

RECOMMENDATION

Accordingly, because Plaintiff has failed to comply with this Court's order, it is recommended that this action be dismissed without prejudice to refiling. Plaintiff is advised that any objection to this Report and Recommendation must be filed with the Clerk of this Court by the 12th day of January, 2006, in accordance with 28 U.S.C. §636 and Local Rule 72.1. Plaintiff is further advised that failure to make timely objection to this Report and Recommendation waives his right to appellate review of both factual and legal issues contained herein. *Moore v. United States*, 950 F.2d 656 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in the captioned matter.

ENTERED this 23rd day of December, 2005.



BANA ROBERTS
UNITED STATES MAGISTRATE JUDGE